

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1457897-000

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XXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
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XXXXXXXXXXXXXXXXXXXXXXXXX

Complaint Form
FD-71 (Rev. 8-29-74)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☒ Negative ☐ See below

on both subjects of victims

Subject's name and aliases

P.O. [redacted]

P.O. [redacted] Subjects,

False Arrest and Assault 4/25/82;

[redacted] EUGENE YOLISH

Victims

Character of case

Civil Rights.

Complainant

Eugene Yolish

Complaint received

☒ Personal ☐ Telephonic Date 4/30/82 Time NOON.

Address of subject

6th Pct, N.Y., N.Y.

Complainant's address and telephone number

[redacted]

Subject's Description	Race	Sex	Height	Hair	Build	Birth date and Birthplace
	CAUC W/M	<input checked="" type="checkbox"/> Male				
	BLACK B/M	<input type="checkbox"/> Female	Weight	Eyes	Complexion	Social Security Number
Scars, marks or other data						

Facts of complaint

C's advised that they were walking their dog when two unsubs purposely walked into them and started assaulting them. While this assault was occurring, two Patrolmen, P.O. [redacted], and P.O. [redacted] drove up in their patrol car.

The two patrolmen jumped out of their car and immediately starting hitting the C's with their night sticks, while the two unsubs escaped.

Both C's were badly beaten, with extensive head wounds.

44A - 3490 - 1

SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒

APR 30 1982

FBI-NEW YORK

Action Recommended

[redacted]

(Age)

And airtel out ASAT

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b7C

b6
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File - Serial Charge Out
FD-5 (Rev. 6-17-70)

File 44A-3490 Date _____
Class. Case No. Last Serial
☐ Pending ☐ Closed
Serial No. Description of Serial Date Charged

17 Report Std 9/24/82

Employee

b6
b7C

RECHARGE

Date _____

To _____ From _____

Initials of Clerk {

Date {

Date charged

Employee

Location

(Title) _____

(File No.) 44A-3490

Item	Date Filed	To be returned		Disposition
		Yes	No	
1	5/20			original notes of FD302 interview of Eugene Yulish and [redacted] on 4/28/82
				original notes of FD302 interview of [redacted] on 5/4/82
				original notes of FD302 interview of P.O. [redacted] and [redacted]
2	"			FD-465 - Medical Release forms signed by [redacted], Eugene Yulish
3	5/24			original notes of FD302 interview of [redacted] on 5/21/82.
4	6/23			(1) carbon copy of (2) complaint forms filed against (1) Eugene Yulish (2) [redacted]
5	9/15/82			(1) Medical Report for Gene London AKA Eugene Yulish (2) Medical Report for [redacted]
Do not Enter any more Exhibits in this volume See Vol 2				

b6
b7C

44A-3490-1A

SEARCHED

INDEXED

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FILED

JUN 1 1982

FBI - NEW YORK

JUN 1 1982

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JUN 1 1982

Field File No. _____

OO and File No. 44A-3490 1A1

Date Received _____

From _____

(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By _____

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes☐ No☐ Yes☐ NoReceipt Given ☐ Yes☐ NoGrand Jury Material-
Disseminate Only
Pursuant to Rules
6(e), Federal Rules-
of Criminal Procedure

Description:

① Original Notes of F.D. 302
interview of Eugene Yulish and
[redacted] on 4/30/82.

② Original Notes of F.D. 302
interview of [redacted] 4/1/82.

③ Original Notes of F.D. 302
interview of [redacted]
and [redacted]

b6
b7C

4/30/82

Gene Gordon aka Eugene Polish
6/9/81 - Persian Ohio

Host & Designer
Self Employed

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 44A-3490-7A1

Admin Asst

Sunday 4:30 A.M. / 6th Fl.

→ 7th Ave f Perry - walking a dog

Assaulters - looked drunk =

① W.M. 5'6" 150lb. Shaggy Build - Brown Hair 25

② W.M. 6'0" 170lb. Brown Hair - w/ Moustache 25

2 Victims - were assaulted by above

- Police car came by after min

~~For~~
Police immediately starting hitting
the two victims on

Assaults escape
Arrested two of you - ~~2~~ Attempted
Grand Larceny - Disobedience
~~Resisting Arrest~~
~~Verbal Harassment~~

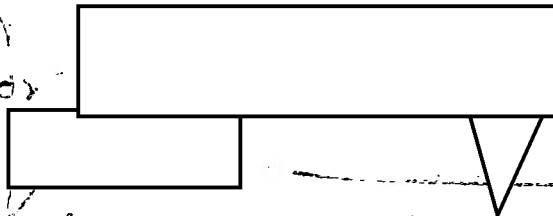
1-
2




- Hit London over the knee

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b7C

1/ Arrested for
~~booked for~~



Police took you to hospital after 45 mins.
Mother Carrine - Hospital - 20th of 31st
Both treated -  Apr.

Were taken to Central Booking =

There was the Miranda Rights
incarceration.

[redacted] took your identification.
Arrested & locked up.

9 PM - Sunday Taken to 25th Precinct.

Cal Doctor: Wanted Blood Pressure P.B.

8:00 - A.M. back to 100 Centre St.

Mr. [redacted] called a lawyer.

Man talked to lawyer.

Criminal charges against you are May 25, 44.

Civil Rights were Violated

① The Arrest - ② No mediation
Assault on you.
Harmless

5/182/

12:17

[redacted]

[redacted]

escort -

[redacted]

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Cuse

CCRB 1038

At April 25, 1982

TPF - **Tactical Patrol Force** -

Officers observed a Fight & Stopped
- Oriental Man - was beating on a white/mas.
Several other people watch -

[redacted]

pulled of - Oriental off w/...

[redacted]

- London grabbed [redacted] told hands
[redacted] hit [redacted] changed at
w/m then [redacted]

[redacted] then hit w/m with
a stick.

The officers then tried to get
the two w/m's under control.

2 w/m's started yelling obscenities at
the police and [redacted] then hit
London again to quiet him.

Oriental ~~se~~ left the premises
with another w/m. (Both dressed in suits & ties
Police Arrested London & [redacted] & [redacted] in Police Car.
London & [redacted] then stated that
they were being force

b6
b7C

observed

the fight

Mr. C. J. C. C.

relaxation -> intensity.

Date of Interview: 5/19/82 @ NYO
On 5/19/82 File #

On 5/19/22 F. 16

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Badge [redacted], and [redacted] N.Y.C.D.
came to the N.Y.C.D. of [redacted]
F.B.I. accompanied [redacted] by their attorney
[redacted] lawyer

that they ~~did not~~ advised his clients
would ~~decline~~ not make any
statements concerning the arrest
and ~~the~~ ~~arrest~~ of Eugene
Yulish and [redacted] on
4/25/82.

Field File No. _____

00. and File No. N.Y. 1A2

Date Received _____

From _____

(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By
NAME OF SPECIAL AGENTTo Be Returned ☐ Yes☐ No☐ Yes☐ NoReceipt Given ☐ Yes☐ NoGrand Jury Material-
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Pursuant to Rules
6(e), Federal Rules
of Criminal Procedure

Description:

①. FD-465 - Medical release
forms. signed by

Eugene Yulish

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b7c

PLEASE DO NOT REMOVE
THIS JURY FROM EXHIBIT
NY 44A-3490-1A2

AUTHORITY TO RELEASE MEDICAL INFORMATION

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release within one year of its date to obtain information available from my past or present medical records contained in any hospital, clinic or other medical facility or from any doctor, physician or examining medical official. I request that the custodian of such records in each instance permit my records in connection therewith to be examined, copied or otherwise reviewed.

I hereby release any such hospital, clinic or medical facility or any examining physician, doctor or other such qualified examiner from any liability resulting herefrom.

Full Name

(Signature)

Full Name

(Print)

Parent or Guardian
(if required)

(Signature)

Date

4-30-82

Current Address

NYC

Witness

(Special Agent)
Federal Bureau of Investigation

b6
b7c

AUTHORITY TO RELEASE MEDICAL INFORMATION

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release within one year of its date to obtain information available from my past or present medical records contained in any hospital, clinic or other medical facility or from any doctor, physician or examining medical official. I request that the custodian of such records in each instance permit my records in connection therewith to be examined, copied or otherwise reviewed.

I hereby release any such hospital, clinic or medical facility or any examining physician, doctor or other such qualified examiner from any liability resulting herefrom.

Full Name

Eugene Polish - aka Gene London
(Signature)

Full Name

EUGENE POLISH aka GENE LONDON
(Print)

Parent or Guardian
(if required)

(Signature)

Date

4/30/82

Current Address

10 GRAMERCY PARK SOUTH
MIC. NY (10003)

b6
b7c

Witness

(Special Agent)
Federal Bureau of Investigation

Field File No. _____

00 and File No. N.Y. 44A-3490-1A3Date Received 5/21/82

From _____

(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

CITY AND STATE

By _____

(NAME OF AGENT)

To Be Returned ☐ Yes☐ No☐ Yes☐ NoReceipt Given ☐ Yes☐ NoGrand Jury Material-
Disseminate Only
Pursuant to Rules
6(e), Federal Rules
of Criminal Procedure

Description:

① Orig Notes of FD 302
interview of [REDACTED]
on 5/21/82.

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PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 440-3490-1A3

5/21/82

[redacted] (p)

[redacted]

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[redacted]

[redacted]

Ghs N.Y.

[redacted]

arrived 4:00 am Today 4/25/82.
in front of
NE corner - 173 Seventh Ave So
of Perry St

with

[redacted]

[redacted]

- friend -

[redacted] didn't see very clear)
Head an argument.

Didn't see who was arguing.

- Two Police get out of the car.
Two guys starting up fight.

(2) Two Police separated
the two fighters.

w/m - Skinning - 5+10"

w/m - 5-10" Skinning.

w/Cop warned one of the
fighters to stop cursing.

2 fighters got back together

w/Cop hit one of the fighters
over the head.

2nd guy was bleeding.

2 guys that were bleeding
were the two guys that
were fighting.

One of the guys
said look me up look me up.

From what you see
the police did not start
it they just tried to
stop the fight.

(3)
Did I see any
other people who witnessed
the 'abuse'

The next ^{day} the w/cop
came in with 2 other
offices in uniform.

w/o ask him if you
saw him ^(one brother) grab ^{his} stick.

Field File No. _____

00 and File No. N.Y. 1 - 114VDate Received 5From

(NAME OF CONTRIBUTOR)

Civilian Cen

(ADDRESS OF CONTRIBUTOR)

N.Y. N.Y.By

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes☐ No☐ Yes☐ NoReceipt Given ☐ Yes☐ NoGrand Jury Material-
Disseminate Only
Pursuant to Rules
6(e), Federal Rules
of Criminal Procedure

Description:

① Carbon Copy of 2 Complai
forms filed against

(1) Eugene Yulish -

(2) b6
b7C

OLBS ARREST DATA ELEMENTS

RUN DATE 04/29/82 RUN TIME 15:48:44

DEFENDANT INFORMATION

ARREST ID: M82024766

NAME: LONDON

GENE

SEX: M RACE: WHITE

DOB: 06/09/31 AGE: 50

AKA: -----

CITIZEN? YES

PLACE OF BIRTH OHIO

ADDR: 10 GRAMACY PKSD NEW YORK NY RES PCT: 013

SKIN TONE: LIGHT HGT: 6-00 WGT: 165 EYE COLOR: BROWN HAIR COLOR: BLOND

SOC STATUS: SINGLE SOC SEC #: ----- DEPT/VICT RELAT: NONE

PHYSICAL COND: INJ-TREATED RELEASED TYPE DRUG USED: NONE

OCCUPATIONAL AREA: OTHER

LICENSE/PERMIT-TYPE(EXC DRIVER/OPR/REG): -----

NO: -----

CALLS: NO: -----

NAME: -----

NO: -----

NAME: -----

ORACLE# 01704901

NYSID# 2778844H

FAX# -----

NARRATIVE: AT TPO DEFTS WERE FIGHTING W/2 OTH MALES NOT APPRE
HENDED DEFT LONDON GRABBED PO [REDACTED] NIGHTSTICK
AND DEF [REDACTED] LUNGED AT PO [REDACTED] NEC FORCE USED

CHARGES INFORMATION

	ATT	LAW	SEC	SUB	CLS	TYPE	CTS	DESCRIPTION
TCP CHARGE-->	N	PL	160.10	01	F	C	01	ROBBERY-2
TOTAL CHARGES	N	PL	120.05	03	F	D	01	ASSAULT-2
CCUNT = 04	N	PL	205.30	00	M	A	01	RESIST ARREST
	N	PL	240.20	01	V	O	01	DISORD CONDUCT

ARREST RELATED INFORMATION

DAT? NO

TIME 04:30 DATE 04/25/82 CMD 006

WEAPON POSS/USED: NONE

ARREST LOC: F/O 173 7TH AVE NYC NY

NUM OF ASSOC: 01 ASSOC ARREST-IDS #1: [REDACTED]

PROPERTY VOUCHERS: NONE

COMPLAINANT/UF-61/VICTIM INFORMATION

IS COMPL A CORP? NO OR PSNY? YES OR HANDICAPPED? NO TOTAL VICTIMS = 00

COMPL NAME: -----

ADDR: -----

TEL NUM: () -----

AIDED NO: -----

AIDED CMD: -----

ACC NO: -----

ACC CMD: -----

UF-61: NO: 004054 CMD: 006 SECTOR: BB JURISDICTION: N.Y. POLICE DEPT

TIME & DATE OF OCCURRENCE: 04:30 ON 04/25/82

METHOD: OTHER

PREMISES TYPE: STREET

ARRESTING OFFICER INFORMATION

NAME: [REDACTED]

RANK: POM TAX NUMBER: [REDACTED]

CMD: TPU

DEPT: NYPD CHART: TPU DUTY CT

SQUAD: [REDACTED]

ASSN: UNIF

OFFICER: INJURED? NO

ASSIGNED? NO

ON DUTY? YES

IN UNIFORM? YES

USED FORCE? YES TYPE: NIGHTSTICK/BLUNT INSTR

REASON: RSTRAIN/CONTRL/REMV

31B-11653

1/68 26-45408*
Shelton B-11 712-663

1/60 787-19872-3*

11/80 196-1318*

145 B-3899-263

5/77 87-75951*

DEFENDANT'S NAME: LONDON

ARREST ID: M82024766

ADDITIONAL DEFENDANT INFORMATION FOR PHOTOGRAPHABLE ARRESTS:
NO VEHICLE WAS USED.

MAKE: _____ COLOR: _____ YEAR: _____

PHYSICAL DESCRIPTION:

FEATURES THAT ARE PRESENT/NOTICEABLE/UNIQUE/UNUSUAL/PROMINENT

BEARD	(NO)	MASKED	(NO)	POSTURE	(NO)
MUSTACHE	(NO)	POCKED FACE	(NO)	LIMP	(NO)
SIDEBURNS	(NO)	RUDDY FACE	(NO)	ARM/HAND MISSING	(NO)
WIG	(NO)	PIMPLED FACE	(NO)	LEFT HANDED	(NO)
HAIR DYED.	(NO)	FRECKLED FACE	(NO)	DRUG TRACKS	(NO)
PART BALD	(NO)	UNUSUAL EARS	(NO)	HEARING AID	(NO)
GLASSES	(NO)	UNUSUAL NOSE	(NO)	SPEECH	(NO)
UNUSUAL EYES	(NO)	UNUSUAL TEETH	(NO)		

DEFT'S FACIAL COMPLEXION: FAIR

DEFT'S HAIR TYPE/STYLE: STRAIGHT

HAIR LENGTH: SHORT

DEFT'S BODY MARKS:

FIRST MARK-TYPE: _____ LOCATION: _____

SECOND MARK-TYPE: _____ LOCATION: _____

DEFT IMPERSONATES: P/O (NO) FEMALE (NO) OTHER (NO)

OTHER DATA: HOMOSEXUAL (YES) TEAM MEMBER (NO) GANG MEMBER (NO) DECOY (NO)

OTHER OLBS DATA ELEMENTS:

RECORD STATUS CODE: NYSID ENTERED

CREATE:

DATE: 04/25/82

TIME: 07:11:12

TERM: CBND

OPER:

UPDATE:

DATE: 04/25/82

TIME: 10:19:57

TERM: CBNG

OPER:

NYSID/VOIDING

DATE: 04/26/82

TIME: 08:58

OFFENSE LOCATION : M006

ARREST BOROUGH: MANHATTAN

DISPOSITION: _____

RECORD ACCESS CODE: _____

RECORD SEALING CODE: _____

VOIDING DATA: _____

ARRESTING OFFICER COMMAND CODE: 490 = TPU

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT

44A-3490

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Field File No. _____
00 and File No. N.Y. 44A-3490-1A5
Date Received 5/24/82.
From _____

(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By _____

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes☐ No☐ Yes☐ NoReceipt Given ☐ Yes☐ No

• Grand Jury Material-
Disseminate Only
Pursuant to Rules
6(e), Federal Rules-
of Criminal Procedure

Description:

① Medical reports for
Gene London aka Eugene Yulish

② Medical report for

b6
b7c



CABRINI MEDICAL CENTER
227 EAST 19TH STREET, NEW YORK, N.Y. 10003

EMERGENCY ROOM

1200

TIME OF ARRIVAL

TIME OF DEPARTURE

6-155149-5 LHI63005
LONDON, GENE 6/9/31
TO GRAMERCY PK 50 NYC 03
-17-TPF BGG 7153

1982 APR 25 AM 4:39

MODE OF ARRIVAL:

PRECINCT NO.

POLICE BADGE NO.

7AF

715B

1551495

PATIENT INFORMATION

NAME	LONDON, GENE			HOME TELEPHONE	b6 b7C
ADDRESS	10 GRAMERCY PARK SOUTH, NEW YORK				
DATE OF BIRTH	6/9/31	SEX	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	RACE	WHITE
RELIGION	NONE		MARITAL STATUS	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> W <input type="checkbox"/> D	
W-HEN WAS PATIENT LAST AT CABRINI?	ADMITTED	STUDY-POLYCLINIC	ER	NONE	PERSON INTERVIEWED (IF OTHER THAN PATIENT)
DOES PATIENT HAVE A PRIVATE M.D. AFFILIATED WITH CMC?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NAME OF PRIVATE M.D.			
PERSON TO BE NOTIFIED	[Redacted]			RELATIONSHIP	FRIEND
ADDRESS	[Redacted]			PHONE NO.	
PATIENT'S OCCUPATION	DESIGNER			EMPLOYER'S TELEPHONE NO.	
NAME AND ADDRESS OF EMPLOYER	[Redacted]				

BILLING INFO

BLUE CROSS	GROUP NO	265404670	CERTIFICATE IDENT. NO.	SOCIAL SECURITY NO., IF NEEDED
INSURED NAME	RELATION	ID # PLAN	INSURED	
MEDICAID	MEDICAID NO.	LINE NO.	TYPE	CASE NAME
COMP	<input type="checkbox"/> NO FAULT <input type="checkbox"/> COMM.	ADDRESS TO BE BILLED	PLACE	DATE OF ACCIDENT
MEDICARE	HEALTH INSURANCE CLAIM NO.	A	B	REMARKS

QTY	CENTRAL SUPPLIES	QTY	CENTRAL SUPPLIES	QTY	CENTRAL SUPPLIES	QTY	INJECTABLES
	IV SOLUTIONS		CRUTCHES		FOLEY CATHETER TRAY	<input checked="" type="checkbox"/>	TETANUS & DIPHTHERIA
	ACE BANDAGE		FOLEY CATHETER		SUTURES		AMINOPHYLLINE
	SPLINTS IMMOBILIZER		CERVICAL COLLAR				NARCAN
	CANE		IRRIGATION SET				ANTIBIOTICS

CHIEF COMPLAINT

He brought on his Police, a laceration on back of head & being in an altercation with police.

NURSE'S NOTES

PMH: States he has a hx. of 9' BP. Takes Procardia O.D.
Had 2 - tetanus one 1 year ago - have some not given.
Refused to have his face cleaned & full of old blood from head laceration.

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NH 44A-3490-1A5

-60-

SIGNATURE

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R

PATIENT NAME: LONDON, Gene TEMP: 98.4 PULSE: 96 RESP: 20 B.P.: 100 TIME: 100 AM/PM: AM DRUG ALLERGIES: u/k

HISTORY AND PHYSICAL EXAMINATION

involved in fight
o/e laceration a notch of skull
deep bloody
Peria Reflexes normal
No sensory or motor deficit

CONSULTATION: [Redacted] SIGNATURE: [Redacted]

	1	2	3	4
MEDICATION ORDERS				
R.N.				
TIME				
VALUABLES				

NOTIFICATION OF PERSONAL M.D. ☐ YES ☒ NO

LABORATORY			X-RAY		OTHER	
<input type="checkbox"/> CBC	<input type="checkbox"/> Differential	<input type="checkbox"/> SMA 6	<input type="checkbox"/> CHEST	<input type="checkbox"/> ABD.	<input type="checkbox"/> Arterial Blood Gases	<input type="checkbox"/> OTHER
WBC	Poly.	Gluc.	<input checked="" type="checkbox"/> SKULL	<input type="checkbox"/> SPINE	pO2	
RBC	Stab.	BUN	<input type="checkbox"/> EXTR.	<input type="checkbox"/> OTHER	pCO2	
Hgb	Lymph.	CO2	REPORT:		ph	
Hct	Mono.	K			sickle prep	
MCV		Na			pro Time	
MCH		Cl			<input type="checkbox"/> EKG	
MCHC		Amyl.				

DIAGNOSIS: LACERATION SCALP

Laceration shaved, cleansed & RT S
(2) Sutured
(3) Dressed & Ecodine 1mg

RETURN TO PHYSICIAN: Surgeon Clinic after 7 days

DISPOSITION: ☒ DISCHARGED ☐ EXPIRED ☐ WALKED OUT

CONDITION ON DISCHARGE: Head Trauma sheet

INSTRUCTIONS/FOLLOW-UP CARE TO THE PATIENT/REPRESENTATIVE

Be sure to read carefully instructions given under title:

☐ Wound Care ☐ Head Injury ☐ Tetanus Immunization

☐ Sprain and Fracture/Bruise ☐ Neck and Neck Injury ☐ X-ray

I hereby acknowledge I have read instructions for follow up

NURSE'S SIGNATURE: [Redacted] SIGNATURE OF PHYSICIAN: [Redacted]

MEDICAL RECORD

MONTH DAY YEAR 04 25 82	RADIO # 11P	MSG. I.D. A	DISP # 374	TYPE OF CALL EMERGENCY	DATE TIME 04/25/82 19:31	BY PK	50	QAMC REQ'D 03	0.446
PLACE OF CALL 233 W 10th				NATURE OF CALL Inj		AGE 50		SEX M	
CROSS STREETS				DATE OF BIRTH 01/10/29		23		10-63 0.456	
PATIENT NAME (LAST, FIRST) London, Gene				DATE OF BIRTH 01/10/29		23		10-82 0.450	
PATIENT ADDRESS 10 Grand St. APT. #				DATE OF BIRTH 01/10/29		23		10-82 0.525	
NEXT OF KIN				COMMUNICATIONS HOSP. # TELM. 26-27 28		M.D.		ARRIVE DEST 0.533	
CHIEF COMPLAINT Blunt Head Injury				HOSP. # TELM. 26-27 28		M.D.		10-87 10-98 10-99, OR NEXT ASSIGN.	

29-34 PATIENT HISTORY				35 OTHER MEDICAL ASSISTANCE			
1 <input type="checkbox"/> Allergy 2 <input type="checkbox"/> Cardiac 3 <input type="checkbox"/> COPD 4 <input type="checkbox"/> Diabetes 5 <input checked="" type="checkbox"/> Hypertension 6 <input type="checkbox"/> Seizures 7 <input type="checkbox"/> Stroke				2 <input checked="" type="checkbox"/> NONE			
8 <input checked="" type="checkbox"/> Medication <u>Enderol</u>				3 <input type="checkbox"/> Citizen			
9 <input type="checkbox"/> Other				4 <input type="checkbox"/> Police Bldg. <u>7158</u> Pct. <u>TAF</u>			
TIME PULSE BLOOD PRESSURE RESPIRATION				5 <input type="checkbox"/> Fire Comp.			
36 0520 41 98 42 98 43 98 44 98 45 98 46 98 47 98 48 98 49 98 50 98 51 98 52 98 53 98 54 98 55 98 56 98 57 98 58 98 59 98 60 98 61 98 62 98 63 98 64 98 65 98 66 98 67 98 68 98 69 98 70 98 71 98 72 98 73 98 74 98 75 98 76 98 77 98 78 98 79 98 80 98 81 98 82 98 83 98 84 98 85 98 86 98 87 98 88 98 89 98 90 98 91 98 92 98 93 98 94 98 95 98 96 98 97 98 98 98 99 98 100 98				1 <input type="checkbox"/> Amb. Unit #			
74 98 75 98 76 98 77 98 78 98 79 98 80 98 81 98 82 98 83 98 84 98 85 98 86 98 87 98 88 98 89 98 90 98 91 98 92 98 93 98 94 98 95 98 96 98 97 98 98 98 99 98 100 98				6 <input type="checkbox"/> CPR			
78 SKIN COLOR 79 MOISTURE 80 TEMP. 81 PUPILS 82 MENTAL STATE				36-37			
1 <input type="checkbox"/> Improved 2 <input checked="" type="checkbox"/> Unchanged 3 <input type="checkbox"/> Worsened				84 MECH. OF INJ.			
1 <input type="checkbox"/> Improved 2 <input checked="" type="checkbox"/> Unchanged 3 <input type="checkbox"/> Worsened				1 <input type="checkbox"/> Accident-Auto 2 <input type="checkbox"/> Accident-Non Auto 3 <input checked="" type="checkbox"/> Violence 4 <input type="checkbox"/> Fire Related			
83 CONDITION STATUS				84 MECH. OF INJ.			
85 Y <input type="checkbox"/> YES N <input type="checkbox"/> NO				PT. CLASSIFIED FOR CRITICAL CARE			

86-90 PRESENTING PROBLEMS				91 REASON FOR HOSPITAL SELECTION			
A <input checked="" type="checkbox"/> Blunt Trauma B <input type="checkbox"/> CNS Trauma (Brain) C <input type="checkbox"/> Multi Trauma D <input type="checkbox"/> Penetrating Trauma E <input type="checkbox"/> Poss. Sexual Abuse F <input type="checkbox"/> Soft Tissue Trauma G <input type="checkbox"/> Poss. Spinal Trauma				1 <input type="checkbox"/> Nearest facility (NON CATEGORIZATION)			
H <input type="checkbox"/> FX/Dislocation I <input type="checkbox"/> Paralysis J <input type="checkbox"/> Thermal Injury INJURY COMMENT K <input type="checkbox"/> Behavioral L <input type="checkbox"/> Seizure M <input type="checkbox"/> Shock N <input type="checkbox"/> Unconscious				2 <input checked="" type="checkbox"/> Patient choice (10 MIN. RULE)			
O <input type="checkbox"/> A. O. B. P <input type="checkbox"/> Abd./Pelvic Disorder Q <input type="checkbox"/> Cardiac Arrest R <input type="checkbox"/> Chest Pain S <input type="checkbox"/> Diabetic T <input type="checkbox"/> Diff. Breathing U <input type="checkbox"/> Other/Unknown				3 <input type="checkbox"/> Patient condition (CATEGORIZATION)			
V <input type="checkbox"/> Fever W <input type="checkbox"/> General Malaise X <input type="checkbox"/> Neurological Y <input type="checkbox"/> OB/GYN Z <input type="checkbox"/> Poison/Drug INJURY COMMENT				4 <input type="checkbox"/> Hosp. availability/Disp. recom.			
1 <input type="checkbox"/> Submersion				5 <input type="checkbox"/> Other (INDICATE IN COMMENTS)			

73-102 TREATMENTS				103			
SUCCESS UNUCCESS. ATTEMPT				1 <input type="checkbox"/> ALS FORM USED 2 <input type="checkbox"/> C.C. TRANS. FORM USED			
A <input type="checkbox"/> AIRWAY MAINT. B <input type="checkbox"/> SUCTION C <input type="checkbox"/> VENTILATION D <input type="checkbox"/> O ₂ _____ lpm E <input checked="" type="checkbox"/> PSYCH. AID F <input type="checkbox"/> CPR _____ MIN.				5 <input checked="" type="checkbox"/> DRUG ADMIN. 6 <input checked="" type="checkbox"/> M.A.S.T. 7 <input type="checkbox"/> MONITOR EKG 8 <input type="checkbox"/> DEFIBRILLATION 9 <input type="checkbox"/> CARDIOVERSION			
K <input type="checkbox"/> CONTROL BLEEDING L <input checked="" type="checkbox"/> BANDAGE M <input type="checkbox"/> SPLINTING N <input type="checkbox"/> SPINAL IMMOB. O <input type="checkbox"/> OBS. DELIVERY P <input type="checkbox"/> OTHER				U <input type="checkbox"/> DRAW BLOOD V <input type="checkbox"/> ENDOTRACH. INTUB. W <input type="checkbox"/> ESOPHAGEAL INTUB. X <input type="checkbox"/> I.V. CENTRAL Y <input type="checkbox"/> I.V. PERIPHERAL			

COMMENTS/IMPRESSIONS 50 Y ♂ Struck on posterior cranium with a night stick

104-107				114-115			
91 <input type="checkbox"/> NURSING HOME 92 <input type="checkbox"/> PATIENT HOME 93 <input type="checkbox"/> RMA-RELEASE SIGNED 94 <input type="checkbox"/> AID GIVEN REFER HOSP 95 <input type="checkbox"/> TRANSPORT BY				91 <input type="checkbox"/> Discharged 92 <input type="checkbox"/> Admit-Hosp 93 <input type="checkbox"/> Transfer			
96 <input type="checkbox"/> GOA 97 <input type="checkbox"/> DOA 98 <input type="checkbox"/> CANCELLED 99 <input type="checkbox"/> OTHER				94 <input type="checkbox"/> In ER 95 <input type="checkbox"/> DOA 96 <input type="checkbox"/> Other Hosp.			

HHC 170-99 DEC. 1973 HOSPITAL COPY NO. 877658

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DRB / rachin

DATE OF EXAMINATION	4/25/82
---------------------	---------

No recent fracture is noted. The sella turcica is within normal limits. The pineal gland is not visualized.

4/27/8

DEP'T. REMARKS:

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

5/12/82

1

EUGENE YULISH, also known as (aka) Gene London and [redacted] New York, New York, [redacted] were advised of the identity of Special Agents (SAs) [redacted] who identified himself as SA of the Federal Bureau of Investigation (FBI) and that any information they furnish could be used in a court of law. YULISH thereafter provided the following information:

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YULISH stated that he and [redacted] were walking their dog in Greenwich Village on 7th Avenue when two unknown white males, one approximately five foot six, 150 pounds, 25 years of age with brown sandy hair and the second, six foot, 200 pounds, 25 years old and brown hair with a mustache walked into them and started pushing them. An altercation followed and after approximately five minutes a police car pulled up and two officers got out and started swinging their night sticks hitting both LONDON and [redacted]. During the above altercation, the two white males who initiated the argument walked away.

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YULISH advised that Police Officers [redacted] and [redacted] then arrested him and [redacted] for attempted Grand Larceny, disorderly conduct, resisting arrest, and verbal harassment.

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The police officers then took LONDON and [redacted] to the 6th Precinct, for booking and 45 minutes later to Mother Cabrini Hospital for medical care. Both LONDON and [redacted] received stitches in their heads to close wounds obtained in altercation. They were then taken to central booking where Police Officer [redacted] took YULISH's identification and processed both [redacted] and LONDON.

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After completing processing at central booking at approximately 3:00 p.m., YULISH and [redacted] were taken to the 25th Precinct and locked up in a holding cell. At 8:00 a.m. on April 26, 1982 they were returned to central booking at 100 Centre Street, New York, New York where YULISH advised that during the above period he requested an opportunity to call his doctor because he needed his blood pressure pills, but the police officers refused his request.

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Interviewed on 4/30/82/ at New York, New York

File # NY 44A-3490-2

By SA [redacted]

Date Dictated 5/6/82

b6
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NY 44A-3490

2

LONDON advised that during the above booking procedure Police Officers [] and [] continued to harrass and verbally abuse them.

b6
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LONDON stated that he feels his Civil Rights were violated because both him and [] were falsely arrested, assaulted, harrassed and not given proper medical care.

EUGENE YULISH was described from observation and interview as follows:

Race:	Caucasian
Sex:	Male
Date of Birth:	June 9, 1931
Place of Birth:	Cleveland, Ohio
Height:	6'1"
Weight:	165 pounds
Hair:	Brown
Occupation:	TV host and designer

[] was described from observation and interview as follows:

b6
b7C

Race:	
Sex:	
Date of Birth:	
Place of Birth:	
Height:	
Weight:	
Hair:	
Eyes:	
Occupation:	

FEDERAL BUREAU OF INVESTIGATION

Date of transcription
5/14/82

1

Sergeant [REDACTED], Civilian Complaint Review Board, New York City Police Department (NYCPD), furnished the following records from his files which are attached and made a part hereto.

1. Complaint filed against [REDACTED]
2. Complaint filed against EUGENE YULISH, also known as (aka) Gene London.

Interviewed on 5/4/82 at New York, New York File # NY 44A-3490-3

By SA [REDACTED]

Date Dictated 5/10/82

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b7c

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription
5/14/82

1

[redacted] New York, New York was advised of the identity of Special Agent (SA) [redacted] who identified himself as a SA of the Federal Bureau of Investigation (FBI). He was advised he was being interviewed as a witness to an alleged Civil Rights violation involving the arrest of EUGENE YULISH, also known as (aka) Gene London and [redacted] by Officers [redacted], Badge Number [redacted] and [redacted] Badge Number [redacted]. He was advised that any information he furnished could be used in a court of law. [redacted] furnished the following information:

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On April 25, 1982, he was arrested by Police Officers [redacted] and [redacted] for [redacted] and was being transported to the 6th Precinct for booking when the police officers observed a fight on 7th Avenue. They immediately stopped their patrol car and walked over to the location of the altercation.

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[redacted] remembered that he observed an oriental man punching a white male while sitting on top of him. [redacted] advised that Officer [redacted] pulled the oriental male off the white male using his night stick.

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At that time a second white male who immediately identified himself as GENE LONDON ran over to Officer [redacted] and grabbed [redacted] night stick. Police Officer [redacted] told LONDON to drop his night stick but LONDON held on to it while he yelled at Officer [redacted]. Officer [redacted] then came to [redacted] assistance and hit LONDON on the head with his night stick.

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At this time the second white male who had been lying on the ground rushed toward Officer [redacted] yelling at him to stop hitting his friend (meaning LONDON). Officer [redacted] then hit the second white male over the head with his night stick.

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[redacted] further advised that the two police officers tried to get the two white males under control, but the two white males continued to yell obscenities at the officers. [redacted] then hit LONDON a second time.

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Interviewed on 5/4/82 at Bronx, New York

File # NY 44A-3490-6

By SA [redacted]

Date Dictated 5/10/82

b6
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NY 44A-3490

2

[] advised that while all the above was going on the oriental male with an unknown white male, both dressed in suits and ties, walked away from the altercation.

[] stated that Police Officers [] and [] then arrested the two white males that were causing the disturbance and placed them in the patrol car. [] further advised that there were a number of people observing the above altercation that took place in front of a chinese restaurant named the "Wok" on 7th Avenue and believes [] witnessed the above altercation.

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FBI

TRAN HA:☐ Teletype☐ Facsimile☒ AIRTEL

PRECEDENCE:

☐ Immediate☐ Priority☐ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☐ UNCLASDate 5/13/82

To: Director, FBI

ATTENTION:

CRIMINAL INVESTIGATIVE DIVISION

From: SAC, NEW YORK (44A-3490) (P) (M-11)☒ CIVIL RIGHTS SECTION☐ DOMESTIC SECURITY AND
TERRORISM SECTION☐ PERSONAL AND PROPERTY
CRIMES SECTIONSubject: POLICE OFFICER (FNU) BADGENUMBER POLICE OFFICER (FNU)

NEW YORK CITY POLICE DEPARTMENT,

 - VICTIM;

EUGENE YULISH, aka Gene London - VICTIM

CIVIL RIGHTS

(OO:NY)

☒ CR ☐ EL ☐ DIH ☐ CRA-64☐ DAMV☐ EID ☐ Bomb Threats☐ PA ☐ PE ☐ PF ☐ E☐ CAA☐ AP ☐ IWFC ☐ CWAA ☐ FI

Summary of Complaint:

See Attached.

INDICES: ☒ Negative ☐ See Summary

ACTION: UACB:

☐ No further action being taken and☐ LHM enclosed☐ FD-376 (Enc. to LHM)☐ LHM being submitted☐ Report being submitted☒ Preliminary investigation instituted☐ Limited investigation instituted☐ Investigation continuing

2 - Bureau

1 - New York

☐ Copy to: 44A-3490-5☐ Secret Service☐ ATTENTIONSEARCHED ☐ INDEXED ☐

MAY 14 1982

NEW YORK

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

FBI/DOJ

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NY 44A-3490

On 4/30/82, EUGENE YULISH, aka Gene London and [redacted] came to the NYO of the FBI and alleged that on 4/25/82, Police Officers [redacted] and [redacted] 6th Precinct, New York, New York, assaulted them. YULISH advised that he and [redacted] were walking their dog on 7th Avenue when two Unsubs started assaulting them. Five minutes later, when Patrolmen [redacted] and [redacted] observed the above scuffle, they jumped out of their patrol car and immediately started hitting complaintants with their night sticks, allowing the two Unsubs to escape. YULISH and [redacted] advised that they received extensive beatings from the two Patrolmen and were treated at Mother Cabrini Hospital, New York, New York.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription
6/1/82

1

On May 19, 1982 Police Officers [redacted] Badge Number [redacted] and [redacted] Badge Number [redacted] came to the New York Office (NYO) of the Federal Bureau of Investigation (FBI) accompanied by their Attorney [redacted] whom advised that his clients would not make any statements at this time concerning the altercation and arrest of EUGENE YULISH and [redacted] on April 25, 1982.

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Interviewed on 5/19/82 [redacted] at New York, New York File # NY 44A-3490-6

By SAS [redacted]

Date Dictated 5/25/82

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Memorandum



To : SAC 44-3490

Date 6/8/82

From : Supv. [redacted]

Subject : Police Office (FNU) [redacted] Badge
Number [redacted] et al

[redacted] - Victim
[redacted]
Eugene Yulish - Victim
CR

OO: NY

Re NY FD-365 5/13/82.
Submit report to Bureau
with investigative results.

T. 6/15

44A-3490-7

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 8 1982	
FBI-NEW YORK	

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FEDERAL BUREAU OF INVESTIGATION

Reporting Office NEW YORK	Office of Origin NEW YORK	Date 6/21/82	Investigative Period 4/30/82 - 5/19/82
TITLE OF CASE CHANGED POLICE OFFICER [REDACTED], BADGE NUMBER [REDACTED]; POLICE OFFICER [REDACTED] [REDACTED], BADGE NUMBER [REDACTED]; NYCPD, [REDACTED] VICTIM; EUGENE YULISH, aka Gene London-VICTIM, OO:NY		Report Made By SA [REDACTED]	Typed By [REDACTED]
		CHARACTER OF CASE CIVIL RIGHTS	

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Title marked "Changed" to reflect true names and badge numbers of
[REDACTED], Badge Number [REDACTED], and [REDACTED], Badge Number [REDACTED]

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REFERENCE

NYairtel to the Bureau, dated 5/13/82.

-P-

ACCOMPLISHMENTS CLAIMED <input type="checkbox"/> NONE					ACQUIT-	CASE HAS BEEN:	
CONVIC.	PRETRIAL	FUG.	FINES	SAVINGS	RECOVERIES	TALS	Pending over 1 year
DIVERSION							<input type="checkbox"/> yes <input type="checkbox"/> no
							Pending pros. over
							6 mos. <input type="checkbox"/> yes <input type="checkbox"/> no
APPROVED		SPECIAL AGENT		IN CHARGE			DO NOT WRITE IN SPACES BELOW
Copies Made: 2- Bureau 1- USA, SDNY (Attn: WILLIAM HIBSCHER) New York (44A-3490)							
(5)							

Dissemination Record of Attached Report

Notations

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				"A"

COVER PAGE 1

44A-3490-8

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 22 1982	
FBI-NEW YORK	

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NY 44A-3490

ADMINISTRATIVE

On May 3, 1982, Lieutenant [REDACTED] Lieutenant, Tactical Patrol Unit, Flushing Meadows, Queens, New York City Police Department (NYCPD) was advised a Civil Rights investigation has been instituted.

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On May 4, 1982, [REDACTED] Executive Director, Civilian Complaint Review Board, NYCPD, was advised that a Civil Rights investigation has been instituted.

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On May 3, 1982, [REDACTED] Medical Records, Mother Cabrini Hospital, New York, New York was given two FD-465's "Authority to Release Medical Information" for release of medical records of [REDACTED] and EUGENE YULISH, also known as (aka) Gene London.

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On May 4, 1982, Sergeant [REDACTED], Civilian Complaint Review Board, NYCPD, provided the New York Office (NYO) of the Federal Bureau of Investigation (FBI) with copies of complaints filed against [REDACTED] and EUGENE YULISH, aka Gene London.

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On May 19, 1982 Police Officers [REDACTED] and [REDACTED] [REDACTED] NYCPD, came to the NYO of the FBI accompanied by their Attorney [REDACTED] who advised that his clients would not make any statements.

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LEADS

NEW YORK

AT NEW YORK, NEW YORK. Upon receipt of medical records will interview appropriate officials at Mother Cabrini Hospital and forward results to the Bureau.

2. Upon receipt of photographs taken by victims on April 25, 1982 will submit same to Bureau.

-B*-

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy To:

Report of: [REDACTED]

Office: New York, New York

Date: 5/21/82

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b7C

Field Office File #: 44A-3490

Bureau File #:

Title: POLICE OFFICER [REDACTED], BADGE NUMBER [REDACTED]; POLICE
OFFICER [REDACTED], BADGE NUMBER [REDACTED]; NEW YORK CITY
POLICE DEPARTMENT, [REDACTED]-VICTIM; EUGENE YULISH-
VICTIM

Character: CIVIL RIGHTS

Synopsis: Victims interviewed. Subjects declined to be
interviewed. Witness interviewed. Police reports
obtained from the New York City Police Department. Indices on
victims and subjects negative. Arrest checks in New York on
victims negative.

-P-

This document contains neither recommendations nor conclusions of
the FBI. It is the property of the FBI and is loaned to your
agency; it and its contents are not to be distributed outside your
agency.

NY 44A-3490

DETAILS:

This is a preliminary investigation.

Predication

Investigation was instituted upon receipt of a complaint from EUGENE YULISH, also known as (aka) Gene London and [REDACTED] on April 30, 1982.

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2. Victims Interview	4,5
3. Witness Interview	6,7
4. Subjects Interview	8
5. Police Reports of Incident	9,10,11
6. Field Office File Review	12
7. Identification Records of Victims	13
8. List of Persons to be Notified	14

FEDERAL BUREAU OF INVESTIGATION

Date of transcription
5/14/82

1

Sergeant [REDACTED] Civilian Complaint Review Board, New York City Police Department (NYCPD), furnished the following records from his files which are attached and made a part hereto.

b6
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1. Complaint filed against [REDACTED]
2. Complaint filed against EUGENE YULISH, also known as (aka) Gene London.

Interviewed on 5/14/82 at New York, New York File # NY 44A-3490

by SA [REDACTED]

Date Dictated 5/14/82

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b7c

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[REDACTED]

1

VY 44A-3490

On May 4, 1932 the records of the New York City Police Department (NYCPD) were checked for [REDACTED] and EUGENE YULISH, also known as (aka) Gene London with negative results.

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[redacted]

1

NY 44A-3490

Results of indices search on subjects [redacted] and
[redacted] and victims [redacted] and EUGENE YULISH negative.

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[REDACTED]

1

NY 44A-3490

The following is a list of names and addresses of individuals to whom a letter from the United States Department of Justice should be directed:

1. [REDACTED] Commanding Officer, Tactical Patrol Unit, Flushing Meadow Press Building, Flushing Meadow Park, Queens, New York.
 2. [REDACTED] Executive Director, Civilian Complaint Review Board, New York City Police Department (NYCPD), 200 Park Avenue South, New York, New York, 10003.
 3. Police Officer [REDACTED] SUBJECT, Tactical Patrol Unit, Flushing Meadow Press Building, Flushing Meadow Park, Queens, New York.
 4. Police Officer [REDACTED] SUBJECT, Tactical Patrol Unit, Flushing Meadow Press Building, Flushing Meadow Park, Queens, New York.
 5. GENE LONDON-VICTIM, 10 Gramercy Park South, First Floor, New York, New York:
- [REDACTED]

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44A-3490-9

SEARCHED _____
SERIALIZED ✓ _____
INDEXED _____
FILED _____

FEDERAL BUREAU OF INVESTIGATION

5/28/82

Date of transcription

[redacted] Medical Records,
Cabrini Medical Center, 227 East 19th Street, New York, New York,
provided the following medical records concerning the treatment
of [redacted] and EUGENE YULISH, also known as (aka) Gene
London, which are attached and made a part hereto.

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Investigation on 5/24/82 at New York, New York File # NY 44A-3490-10
by SA [redacted] Date dictated 5/24/82

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it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

5/26/82

Date of transcription

[redacted]
Queens, New York, was advised of the identity of Special Agent (SA) [redacted] who identified himself as an SA of the Federal Bureau of Investigation (FBI). He was advised he was being interviewed as a witness to an alleged civil rights violation involving the arrest of EUGENE YULISH, also known as (aka) Gene London, and [redacted], by Police Officers [redacted] Badge Number [redacted], and [redacted], Badge Number [redacted], both of the New York City Police Department (NYCPD), on April 25, 1982. He was advised that any information he furnished could be used in a court of law. [redacted] furnished the following information:

At approximately 4:00 AM on April 25, 1982, he was in the Wok Chinese Restaurant, 173 7th Avenue South, New York, New York, where [redacted] accompanied by [redacted] and [redacted] when he heard arguing going on in front of the restaurant. At that time, he did not notice who was arguing [redacted]. A while later, [redacted] heard a banging on the restaurant windows, and at that time, he noticed two White males, first male approximately five feet ten inches, thin build, and the second male, approximately five feet ten inches, thin build, fighting with each other.

[redacted] then observed a police car pull up in front of the restaurant and noticed two uniformed police officers, one a White male, the second a Black male, exit the patrol car and walk over to where the fight was.

[redacted] stated that the two police officers stepped between the two fighting men and separated them. The two men then started yelling at the officers at the same time they tried to continue their fight with each other.

[redacted] stated that the two unknown males then pushed themselves together and resumed the fight when the White police officer hit one of the fighters over the head. [redacted] then noticed that the second fighter was also bleeding from the head but did not notice who caused that wound.

Investigation on 5/21/82 at New York, New York File # NY 44A-3490-11
by SA [redacted] Date dictated 5/21/82

NY 44A-3490

[redacted] further advised that the two guys that were bleeding, were the same two guys that were fighting against each other, and from what he observed, the police acted only to break up the fight.

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[redacted] date of birth [redacted] was observed to be [redacted] five feet four inches, 130 pounds, who exhibited no physical or mental impairments, which could prevent his recalling the details of the incident.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/28/82

[redacted] Registered Nurse, Cabrini Medical Center, 227 East 19th Street, New York, New York, was advised of the identity of Special Agent (SA) [redacted] who identified himself as an SA of the Federal Bureau of Investigation (FBI), and that she was being interviewed concerning her medical treatment and personal observations of EUGENE YULISH, also known as Gene London, and [redacted] on April 25, 1982.

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She was also advised the interview was desired in connection with an investigation into an allegation of excessive use of force involving the arrest of EUGENE YULISH and [redacted] on April 25, 1982 by Police Officers [redacted] and [redacted] of the New York City Police Department (NYCPD). She was advised that any information she furnished could be used in a court of law.

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[redacted] advised that she remembered the above incident because both YULISH and [redacted] kept cursing at the two police officers, and accusing them of beating them. [redacted] further stated that the two police officers remained quiet and said nothing about the incident.

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[redacted] further advised that she remembered EUGENE YULISH because he was very pleasant, and the older of the two gentlemen who needed treatment.

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YULISH had a gash on his head that required a number of sutures. The second gentleman, [redacted], who continued to curse at the two police officers, was treated for lacerations of the scalp, but she did not remember whether he received any sutures.

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[redacted] stated that Doctor [redacted] treated both YULISH and [redacted] and that he would be able to better comment on their physical condition.

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Investigation on 5/25/82 at [redacted] BROOKLYN, NEW YORK File # NY 44A-3490-12
SA [redacted] Date dictated 5/22/82
by _____

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/20/82

[redacted], Attorney, [redacted]
[redacted] New York, New York 10013, attorney for
the victims YULISH and [redacted] provided the New York Office of
the Federal Bureau of Investigation (FBI) with:

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1. One (1) sheet of photographs of victims injuries
taken on April 25, 1982.

2. A 37 page "Notice of Motion" presented to the District
Attorney's Office, County of New York on June 18, 1982.

3. An 8 page "Response to Defendants Motion to Dismiss
in the Interest of Justice", filed June 30, 1982 by Assistant
District Attorney [redacted] District Attorney of New York
County.

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4. A worksheet of five written pages of comments he
had concerning above response.

The above documents 2,3, and 4, are attached and made a
part hereto.

Investigation on 7/16/82 at New York, New York File # NY 44A-3490-13
by SA [redacted] Date dictated 7/16/82

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FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 8/10/82b6
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FM NEW YORK (44A-3490) (M-11) (P)

TO DIRECTOR (ROUTINE)

BT

U N C L A S

POLICE OFFICER [REDACTED], BADGE NUMBER [REDACTED]; POLICE OFFICER [REDACTED]
 [REDACTED]; BADGE NUMBER [REDACTED]; NYCPD, [REDACTED] - VICTIM; EUGENE
 YULISH, AKA GENE MONDON-VICTIM, CIVIL RIGHTS MATTER, (OO: NY)

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RENYREPORT TO THE BUREAU, DATED JUNE 21, 1982.

THE NEW YORK OFFICE IS AWAITING OPPORTUNITY TO INTERVIEW
 ATTENDING PHYSICIAN, AND WILL FORWARD INTERVIEW ALONG WITH MEDICAL
 REPORTS AS SOON AS POSSIBLE.

#

1-NEW YORK
 1-SUPERVISOR (M-11)

(2)

44A-3490-14
 SEARCHED [REDACTED] INDEXED [REDACTED]
 SERIALIZED [REDACTED] FILED [REDACTED]

AUG 11 1982

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Approved: [REDACTED]

Transmitted _____

(Number)

(Time)

Per [REDACTED]

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW YORK	OFFICE OF ORIGIN NEW YORK	DATE SEP 10 1982	INVESTIGATIVE PERIOD 5/20/82 - 7/19/82
TITLE OF CASE POLICE OFFICER [REDACTED] BADGE [REDACTED] POLICE OFFICER [REDACTED] BADGE [REDACTED] NYCPD, [REDACTED]-VICTIM; EUGENE YULISH, AKA Gene London-VICTIM		REPORT MADE BY SA [REDACTED]	TYPED BY [REDACTED]
		CHARACTER OF CASE CIVIL RIGHTS	

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NYairtel to Bu, 5/13/82, NYrep to Bu, 6/21/82.

-P-

ADMINISTRATIVE

Several attempts were made to locate and interview Doctor
[REDACTED] at Cabrini Hospital with negative results.

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ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
APPROVED						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
[REDACTED] Bureau								
1-USA, SDNY (Attn: William Hibscher)								
2-New York (44A-3490)								
Dissemination Record of Attached Report						Notations		
Agency						SEARCHED	INDEXED	
Request Recd.						SERIALIZED	FILED	
Date Fwd.						SEP 14 1982		
How Fwd.						FBI-NEW YORK		
By								

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COVER PAGE

LEAD

NEW YORK

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2. Get AUSA's prosecutive opinion.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [REDACTED]

Office: NEW YORK, NEW YORK

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Date: SEP 10 1982

Field Office File #: 44A-3490

Bureau File #:

Title: POLICE OFFICER [REDACTED], BADGE [REDACTED]
POLICE OFFICER [REDACTED], BADGE [REDACTED]
NYCPD, [REDACTED]-VICTIM;
EUGENE YULISH, AKA Gene London-VICTIM

Character: CIVIL RIGHTS

Synopsis:

Photographic worksheet forwarded to Federal Bureau of Investigation Headquarters (FBIHQ) for processing. Attorney for the victims provided photograph worksheet and copies of defense motion and District Attorney's response. Witness interviewed. Medical records for victims obtained. Attending nurse interviewed. Police records of victims obtained.

-P-

NY 44A-3490

DETAILS

This is a Preliminary investigation.

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CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AP5

-----X

PEOPLE OF THE STATE OF NEW YORK, :

-against- :

NOTICE OF MOTION

GENE LONDON, :

Docket No. 2N026990

Defendant. :

-----X

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavits of GENE LONDON, the defendant herein, [REDACTED], and [REDACTED] [REDACTED], all duly sworn to the 18th day of June, 1982, together with all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, at Part AP5, at the Courthouse, 100 Centre Street, City, County and State of New York, on the 30th day of June, 1982, at 9:30 A.M., in the forenoon of that day, or as soon thereafter as counsel can be heard, for the following relief:

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1. For an order dismissing the complaint in the interest of justice, pursuant to §170.40 of the Criminal Procedure Law.

Dated: New York, New York
June 18, 1982

Yours, etc.

TO: HON. ROBERT M. MORGENTHAU
District Attorney of
New York County
(A.D.A. [REDACTED])
1 Hogan Place
New York, New York 10013

[REDACTED]

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CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AP5

-----X

PEOPLE OF THE STATE OF NEW YORK, :

-against- :

GENE LONDON, :

Defendant. :

AFFIDAVIT

Docket No. 2N026990

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

GENE LONDON, being duly sworn, says:

1. I am the defendant herein, and I have been charged with the violations and crimes of Disorderly Conduct, Harassment, Obstructing Governmental Administration, and Resisting Arrest allegedly committed on the 25th day of April, 1982. At least that is the present complaint against me, sworn to on May 25, 1982 before the HON. IRVING LANG, by Police Officer

Shield # .

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2. However, I have been informed by my attorney that at the time of my arraignment in Night Court on April 26, 1982, the complaint against me signed and sworn to by the same Police Officer was Resisting Arrest, Disorderly Conduct, and Attempted Grand Larceny in the 3rd Degree. This variance

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in complaints will be discussed at greater length in the affidavit of my attorney, [REDACTED], which is being made in support of this motion.

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3. The facts and circumstances surrounding the bringing of the various charges enumerated above, were as follows:

4. In the early hours of the morning of Sunday, April 25, 1982, my associate, [REDACTED], and myself, decided to leave my residence at 10 Gramercy Park South, N.Y.C., where I own a cooperative apartment, to take a walk and for a bite to eat. It was an extremely mild spring day, unlike the weekends we have had recently in the City of New York, and both [REDACTED] and I were dressed casually in denim jeans and denim shirt jackets. We had with us my dog who sometimes responds to her name, MOODIE. We walked to the well known pizzeria - RAY'S - , at 12th Street and Avenue of the Americas, and to our surprise found the premises closed. We then decided to continue walking in Greenwich Village, keeping our eye open for another possible eating place. When we arrived at Perry Street and Seventh Avenue, much to our surprise two men, modishly dressed, rushed across Perry Street and made insulting and derogatory remarks to my friend [REDACTED] and myself, as being "faggots" and similar statements. When [REDACTED] responded to the effect that they should mind their own business, one of the men pushed [REDACTED] and simultaneously hit him a blow on the side of his

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face which caused them to start a scuffle. I attempted to intervene and to separate them, and much to my surprise, the second man started to pull me and strike me and as I bent over to assist [redacted] to his feet, a police car drew up to the scene, two officers rushed out, and without further adieu, proceeded to strike me over the head with a nightstick severing an artery under my scalp, and causing me to bleed profusely, and when I attempted to ward off any further blows, I was seized, my hands placed behind my back, and handcuffs were put on me. At the same time, the other officer proceeded to help my companion, [redacted] to his feet, and just before he was able to arise and straighten out, hit him a blow in the middle of his head, lacerating his scalp and causing him to bleed. Annexed, hereto, as Exhibit "A", and made a part hereof as though herein set forth in full, are photographs taken of [redacted] and myself the day after our release from Court, April 27, 1982. The original of these photographs will be submitted to the Court for inspection.

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5. [redacted] likewise, was handcuffed, and we both were placed in the Squad Car with another prisoner who had been previously arrested by the police officers. No attempt had been made to detain either of the two assailants, and they took off. When we got to the police station - the 6th Precinct - presently located at 233 W. 10th Street, N.Y.C., but still known as the "Charles Street Stationhouse", the police refused to listen to my attempts to identify myself and

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to give them some idea of my background, and finally, reluctantly, they made a call to my accountant, [REDACTED]

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[REDACTED] in the immediate vicinity at [REDACTED]
[REDACTED] N.Y.C., to come to the stationhouse and take custody of my poor frightened dog, which he did. [REDACTED] saw me and [REDACTED] in the police station with our blood spattered clothing, and I believe we were still bleeding from the head wounds. His affidavit is herewith annexed and made a part hereof.

6. Thereafter, we were taken by the police to the Mother Cabrini Hospital, located at 227 East 19th Street, N.Y.C., where sutures were put in my scalp and that of [REDACTED], and some of the blood was cleaned from our faces and heads, and we then returned to the stationhouse.

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7. We were moved from the stationhouse to a place I understand is called "Central Booking", and then, although it was the early hours of the morning of Sunday, the 25th, no effort was made to get us to Court that day, and we were removed from "Central Booking" at about 2 P.M., and taken to the 26th Precinct in Harlem, at 500 West 126th Street, where we remained overnight.

8. Finally, on Monday, the 26th of April, we were brought from the 26th Precinct to 100 Centre Street, N.Y.C., and at approximately 11 o'clock in the evening of the 26th of April, [REDACTED]
[REDACTED] and myself were arraigned before the HON. BUD GOODMAN, Judge of this Court. JUDGE GOODMAN questioned the District Attorney and

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the police officer as to the theory supporting the charge against me of "Attempted Grand Larceny - 3rd Degree", a copy of this complaint, which was signed and sworn to before JUDGE GOODMAN the night of April 26th, is hereto annexed as though herein set forth in full, as Defendant's Exhibit "B". The dialogue between JUDGE GOODMAN, the Assistant District Attorney, and Police Officer [REDACTED] developed that the Attempted Grand Larceny Charge was founded upon my seizing the nightstick in an effort to protect myself from being struck further by Officer [REDACTED] and that although the nightstick's value was a questionable \$12.00, the Grand Larceny theory was developed as an attempt at a theft "from the person" of Police Officer [REDACTED]. [REDACTED] has advised me that apparently the original booking was even worse in that the fingerprint record attached to my file indicates that I was arrested for a "Violent Felony", to wit: "Attempted Robbery", namely violation of Sections 110/160.10 of the Penal Law.

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9. Both [REDACTED] and myself have been personally examined by private physicians, and the findings will be submitted at the time of the return of the motion.

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PERSONAL BACKGROUND

10. As appears in the annexed photocopy, Exhibit "E", from Marquis "Who's Who In The East", I was born June 9, 1931, in the City of Cleveland. My father's name was ISADORE YULISH, and my mother's maiden name had been MINNA SCOTT. My father was in the retail produce business. I was the second of four sons resulting from the marriage of my father and mother. I attended public school in

Cleveland until 1947 when my parents moved to Miami, Florida. I accompanied them and eventually graduated from the Miami Beach High School. I attended the University of Miami for one year in a Liberal Arts course, and then started working in radio as an actor. My acting career really started as a puppeteer. My first appearance in connection with a puppet show was on WOR in a show known as "Little Tom Tom", on which show I not only acted in, but I also wrote. From that I went with [redacted] at NBC, where we were for about two years. I, together with [redacted] put on a puppeteer show. After that, I appeared on ABC, Channel 7, in New York, on a show known as "Tinker's Workshop", and subsequently I was with CBS in Philadelphia in a show appearing on their station WCAU-T.V, for twenty-three years. It was a children's show, I was the host, principal writer and director of the show. As you can see from the item in "Who's Who in the East", I have performed and lectured at the Museum of Modern Art and I am known as an authority on my good friend, the late WALT DISNEY, and animation films in general. I presently lecture, sporadically, at the New School For Social Research in the Film Department being an instructor in the Art of Animation-Walt Disney. I continue to give lectures, sporadically, at the Museum of Modern Art and the Philadelphia Museum of Art, and I have appeared at various museums and schools throughout the country. Some of my lecture work is Pro Bono, and most often,

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I have received honorariums and fees for my expenses and appearances.

11. I presently maintain myself by my lecturing, together with various interests I have in real estate in the area of the City of New York. I presently own my own apartment in a co-op at 10 Gramercy Park South, N.Y.C. Over twenty years ago, my accountant, [REDACTED] and myself, invested in a townhouse in the Chelsea District at [REDACTED], N.Y.C. at which address we rented most of the premises and received income therefrom. The premises have been sold, and we are presently receiving interest and payments on account of principal from a Purchase Money Mortgage we took back when we sold the premises.

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12. I have used the name of GENE LONDON in connection with my professional work as being a much simpler name for the public to recall. Annexed hereto, as Exhibit "C" and made a part hereof, as though herein set forth in full, is a news release issued by the Philadelphia Museum of Art, and released on December 10, 1980, concerning a series of lectures presented by me, and although it was free to the public, the cost of the lectures and the fees of the lecturers were underwritten by the Mutual Assurance Company, and the Hosiery Corporation of America. I am also annexing, as Exhibit "D", an excerpt from the 1975 catalog of the New School for Social Research con-

cerning my lectures there about animated cartoons and WALT DISNEY. I have appeared at the New School since then, on an individual lecture basis.

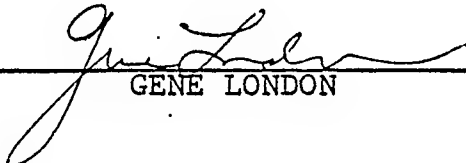
13. I am reasonably certain that I am the first member of the YULISH family who has ever been arrested and charged with any crime. My brother [REDACTED], is a practicing lawyer of excellent reputation in the City of Cleveland, Ohio.

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14. I have, at all times, attempted to conduct myself as a law abiding citizen. I submit the fact that I have recently celebrated my 51st birthday, having lived in urban communities such as Cleveland, Miami, Philadelphia and New York City without ever being charged with any violation of law, testifies to my law abiding nature and general peacefulness. The charges that have been made against me have upset me greatly, perhaps even more than the severe physical assault upon my person, although it is virtually impossible to describe the effect of a blow in the middle of your skull by a hefty police officer with a heavy hardwood nightstick. I have agonized over the reason for the police taking the violent action against [REDACTED] and myself, and disregarding the two men who had assaulted us, and the only explanation I have been able to arrive at, is the fact that the other two men were dressed formally with jackets and ties, while [REDACTED] and I were casually attired.

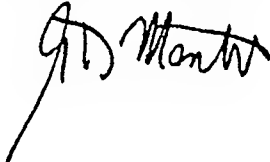
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WHEREFORE, I respectfully pray that this Honorable Court grant my motion to dismiss the charges against me, for all of which no prior application has been made.



GENE LONDON

Sworn to before me this
18th day of June, 1982.



ALLAN D. MANTEL
Notary Public, State of New York
No. 31-4647116
Qualified in New York County
Commission Expires March 30, 1983

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AP5

-----X

PEOPLE OF THE STATE OF NEW YORK, :

-against- :

AFFIDAVIT

GENE LONDON, :

Docket No. 2NO26990

Defendant. :

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

[redacted] being duly sworn, says:

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1. I am a [redacted] and conduct my business under the name of [redacted] [redacted], in the City, County and State of New York. I reside at the same address, and I own the building in question. I am a honorably discharged veteran of World War II, and have never been arrested or convicted of any crime, offense, or violation. I have known the defendant GENE LONDON for over 25 years, both professionally and socially. At one time he and I owned the townhouse located at [redacted] in the City and County of New York, where each of us had apartments of our own and rented the balance of the premises. In the 20 odd years I have known GENE, I have never known him to be assaulted or dis-

posed to act in an violent manner, nor have I ever heard anyone mention the fact that he was of an assaultive nature.

2. In the early hours of the morning of Sunday, April 25, 1982, I received a telephone call from the 6th Precinct and was informed that my good friend GENE LONDON had been arrested and requested that I come to the police station. After recovering from the shock of hearing that GENE had been arrested, I managed to get dressed and get over to the stationhouse which is in the immediate vicinity [REDACTED] I was shocked when I walked into the stationhouse and saw GENE bloodied and his co-defendant, [REDACTED] likewise dripping with blood. There was an ambulance attendant standing in the stationhouse, GENE was pleading that he be released, attempting to tell the Desk Sergeant and the officers assembled that he was not the aggressor, but that he and [REDACTED] had been the victims of an unwarranted assault by two civilians, and then by two police officers. He attempted to explain his background in the T.V. industry and his prior good record, all to no avail. I noticed a police officer, whom I later learned to be the arresting officer, [REDACTED] standing and smiling in a supercilious manner as though he were enjoying the plight and desperation of both GENE LONDON and [REDACTED]. His attitude seemed to me to be a form of paranoia, although I do not profess to be a professional psychiatrist or psychologist. I managed

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to take the dog from the stationhouse, and to the best of my recollection, before I left there, the police had finally acceded to the request of GENE LONDON and [] for medical attention and they were taken to Mother Cabrini Hospital.

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3. I sent a telegram to Police Commissioner ROBERT J. MC GUIRE complaining of the obvious excessive use of force on a man of MR. LONDON's age and physical capacity, and the impropriety of the arrest of MR. LONDON and []. Thereafter I received a communication from the Civilian Review Board and I furnished them with the details that I knew.

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4. In the interim, I got in touch with [] [], the only lawyer I knew, since he had handled various real estate matters for me and for GENE, including the sale of the premises on []. Although [] is not and does not profess to be familiar with the practice of law in the criminal field, he appeared at the arraignment in the late evening of Monday, April 26th, and was shocked both at the physical condition of the defendants GENE LONDON and [] and the temerity and brazenness of the police and the prosecuting attorney to attempt to justify the arrest of GENE LONDON by charging him with a "felony", namely the attempt to commit the crime of Grand Larceny, it being alleged that GENE had attempted to get possession of the nightstick of Police Officer [].

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5. MR. LONDON's present attorney, []
[] has informed me that this is set forth in detail in the affidavit of MR. LONDON, including the dialogue between the presiding Judge, JUDGE GOODMAN, the Assistant District Attorney present, and Police Officer [].

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6. I was present at the arraignment and, as a lay person, it shocked my conscience to hear a prosecuting attorney attempt to justify the arrest and assault on GENE LONDON with the excuse that he had attempted to commit the crime of Grand Larceny of a nightstick less than \$20.00 in value when he attempted to defend himself and [] from being brutally and unjustifiably struck and assaulted.

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7. Since my complaint to the Police Commissioner, ROBERT MC GUIRE, and response from the Civil Review Board, I have received several telephone calls from an Assistant District Attorney by the name of []. As of the time I spoke with [] the attorney for GENE LONDON and [], I had not as yet spoken with [] or any other Assistant District Attorney. If, between the time of the dictation of my affidavit, and the return of the motion herein, I might have occasion to speak with any Assistant District Attorney, I wish to assure the Court that the only thing I could and would tell them was that, in my opinion, the charges made, and the excessive force used on two law abiding

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citizens, GENE LONDON and [REDACTED], was improper, unnecessary,
and any charges made against them should be dismissed. In fact,
in my humble opinion, they should be COMPLAINANTS and not defendants. b6
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WHEREFORE, I respectfully join in the prayer and
request of GENE LONDON and [REDACTED] that the complaints against
each of them be dismissed in the Interest of Justice.

Sworn to before me this
18th day of June, 1982.

Ad Mantel

ALLAN D. MANTEL
Notary Public, State of New York
No. 31-46471:G
Qualified in New York County
Commission Expires March 30, 1983

RIDER TO [REDACTED] AFFIDAVIT,
SWORN TO JUNE 18, 1982

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[REDACTED], having read the affidavit prepared
by [REDACTED], has added the following:

1. At the Criminal Court Building, prior to
MR. LONDON's arraignment, I questioned Police Officer [REDACTED] in
the hallway of the building as to what happened to the other two
parties who had assaulted MR. LONDON and [REDACTED]. He informed
me that they had gotten away. I asked him if he made any attempt
to locate them, and his answer was "no".

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2. From the reaction in the stationhouse, I
asked him if the two people who originally assaulted MR. LONDON
and [REDACTED] to coin a phrase, were "fag-bashers", because
they were succeeded by two additional "fag-bashers" in the uniform
of the City of New York Police Department. Both officers are from
the Tactical Patrol Force. These are the "Gestapo" riot breaking
police. In the stationhouse with MR. LONDON and [REDACTED], dripp-
ing with blood, and pleading for mercy and understanding, I watched
the police officer's face. It is my belief that this officer needs
psychiatric care.

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3. I have subsequently spoken to the Captain of
the 6th Precinct, CAPT. [REDACTED], who is unhappy with the arrest

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in his stationhouse, and said to me, over the phone, "MR. LONDON
and were improperly booked."

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Sworn to before me this
18th day of June, 1982.

A handwritten signature, appearing to read "Allan D. Mantel", written in ink over the notary text.

ALLAN D. MANTEL
Notary Public, State of New York
No. 31-4C47116
Qualified in New York County
Commission Expires March 30, 1983

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AP5

-----X

PEOPLE OF THE STATE OF NEW YORK, :

-against- :

AFFIDAVIT

GENE LONDON, :

Docket No. 2NO26990

Defendant. :

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

[REDACTED]

being duly sworn, says:

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1. I am an attorney at law, duly admitted to practice in the State of New York, and I have been retained as the lawyer for the defendant herein.

2. I have been advised by [REDACTED] an attorney at law in the City of Cleveland, and an associate of [REDACTED], the brother of the defendant, that he had attempted, telephonically, to effect a disposition with Assistant District Attorney [REDACTED], and that he had been advised by [REDACTED] that it would be a bargain if the defendant pleaded guilty to the offense of Disorderly Conduct, and paid a fine of \$250.00. Never having heard of the provision of our Criminal Procedure Law for the Adjournment of a Misdemeanor Charge in Contempla-

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tion of a Dismissal, [] advised the defendant to accept the "extremely generous offer" of the prosecutor.

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3. That when the defendant appeared before the HON. IRVING LANG, without counsel, on the 25th day of May, 1982, and attempted to plead guilty, JUDGE LANG, protecting the interests of the defendant herein, refused to accept the plea without the defendant/^{herein}represented by an attorney at law, and adjourned the matter to the 3rd day of June, at which time I appeared and filed a Notice of Appearance as the lawyer for the defendant herein. I have gone over the facts surrounding the arrest, booking, and original arraignment of the defendant. Not only have I found them fascinating, but most unusual.

4. The attempt to pin a title of "violent felony offender" on this defendant by reporting his arrest, among other things, as being "for attempted robbery in violation of Sections 110 and 160.10 of the Penal Law" under the circumstances described by both the defendant and the complaint of the Police Officer, is not only unusual, but I submit reprehensible. The description of what must be considered an amended or superceding complaint, sworn to May 25, 1982, before the HON. IRVING LANG, which, among other things, alleges that the "defendant, with intent to cause public inconvenience, annoyance or alarm, of wrecklessly creating a risk thereof, engaged in a physical altercation with an

unidentified male" is some of the most creative writing by a prosecutor that I have read in over 54 years of active practice in the criminal law field in the City and State of New York. Likewise, the paragraph of the current complaint, charging the defendant "with intent to harass, annoy or alarm deponent * * * * in that defendant tried to pull deponent's nightstick from deponent's hand" likewise is creative writing, plus apparently contradictory to the original complaint in that therein on April 26th, before the HON. BUD GOODMAN, the same Police Officer [redacted] states "that he was compelled to use necessary force in effecting the authorized arrest of the defendant in that the defendant did struggle with an attempt to take possession of Police Officer [redacted] nightstick". A photocopy of this complaint is annexed hereto as Exhibit "B" and made a part hereof as though herein set forth in full. I have attempted to order the minutes of the arraignment which should contain the dialogue between JUDGE GOODMAN, Police Officer [redacted] and the Assistant District Attorney on duty, but so far have not been able to contact the court reporter whose name appears to be [redacted]

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5. I respectfully submit that it is most unusual for the District Attorney to prepare a superceding or amended complaint without any indication that it is anything but the original.

6. I submit this affidavit in support of the motion of the defendant herein to dismiss the complaint in the interest of justice, pursuant to Section 170.40 of the Criminal Procedure Law. This section lists the criteria to be considered by the Court in considering whether or not to dismiss a charge in the interest of justice, and I set forth the following discussion of these criteria, as applied to the instance case: (a) The Seriousness and Circumstances of the Offense. In the instant case, the charges against the defendant are two misdemeanors, namely, violation of Sections 195.05 and 205.30, Obstructing Governmental Administration, and Resisting Arrest. The foregoing affidavit of the defendant clearly delineates the circumstances under which he found himself defending his friend, [REDACTED] and himself from an unprovoked assault by two strangers. The two other charges in the complaint against the defendant, namely Violation of Sections 240.20 and 240.25, disorderly Conduct and Harassment, respectively are less than a misdemeanor and classified in the Penal Law as "violations". (b) The Extent of Harm Caused by the Offense. I respectfully submit that it is apparent that no harm to anyone, other than the defendant, and his companion, [REDACTED] was caused by the actions of the defendant. The harm to each of them was, to say the least, extremely severe and unwarranted by the incident described in either of the complaints, or the foregoing affidavit of the defendant herein. (c) The Evidence of Guilt.

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I submit that there is a serious question as to whether the actions of the defendant herein were criminal in nature. Certainly he, like any citizen, has a right to defend himself and his companion from an unwarranted assault by strangers which is what occurred here. The attempt to create a felony by originally charging the defendant with Attempted Grand Larceny in the 3rd Degree, I respectfully submit, speaks for itself, and is indicative of the fact that the prosecutor was aware that the arrest was unwarranted and therefore, the attempt the police officers, likewise, was unwarranted, so that the attempt to bolster the charge "by creative writing". Likewise, the indication in the fingerprint record, attached to the papers, to the effect that the defendant was originally charged as committing a violent felony, namely Attempted Robbery in violation of Sections 110/160.10 of the Penal Law is indicative of the knowledge and realization of the arresting officers and/or their superior, that the violence committed by the police was not justifiable under the circumstances, and had to be justified by improper and false charges. (d) The History, Character and Conduct of the Defendant. The defendant is 51 years of age, and has no prior conflict with the law. In other words, not only has he never been convicted of any violation of law, but he has never previously been charged or arrested as a violator of the law. The public image which to a limited extent established by the Exhibits hereto annexed, are indicative of a law

abiding character and one not given to violence in any way, shape, or form. (e) Any Exceptional Serious Misconduct of Law Enforcement Personnel in the Investigation, Arrest, and Prosecution of the Defendant. I respectfully submit that based upon the preceding affidavit of the defendant, which is a part of this motion, and is considerable evidence of unlawful actions by the arresting police officers. I further submit as I have pointed out, supra, it is clearly evident that the charges in this case and the complaints in this case are, to say the least, the product of creative drafting by the Office of the Prosecutor, founded upon the creative over-charging of the defendant by the Police, all of which points to and leaves one with the inescapable thought that both the Police and the Prosecutor are attempting to gloss over excessive use of force, and unlawful arrest of the defendant, and the equally improper prosecution of the defendant. (f) The Purpose and Effect of Imposing upon the Defendant a Sentence Authorized for the Offense.

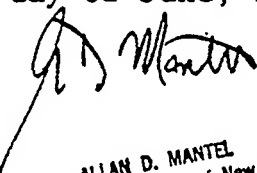
I respectfully submit that no useful purpose could or would be served by convicting this defendant and sentencing him. The only thing that might be accomplished would be that the defendant would acquire a criminal record which might interest the media and cause him to be embarrassed in his work as a lecturer, instructor, and television performer; all of which could be nothing but detrimental to society and him. (g) The Impact of a Dismissal on the Safety and Welfare of a Community. It is respectfully submitted that the

only impact upon the safety or welfare of a community by a dismissal of the charges herein, would be to increase the safety and welfare of the community if, for no other reason, that a dismissal might cause members of the Police Department of the City of New York to act in a lawful manner and not use excessive force upon the innocent public. (h) The Impact of a Dismissal Upon the Confidence of the Public in the Criminal Justice System. I respectfully submit that a dismissal of the instant charges would have no affect except to increase the confidence of the defendant and the public in the criminal justice system and would and should renew the faith of the defendant, and that of the public, in our system of criminal justice. (i) The Attitude of the Complainant with Respect to the Motion. The attitude of the complainant is not known, except from the actions of the prosecution, it must appear that they oppose this motion. It is respectfully submitted that in the instant case, this is of no relevance. (j) Any Other Relevant Fact Indicating that a Judgment of Conviction Would Serve No Useful Purpose. I respectfully submit it is virtually impossible to conceive of a case where a Judgemnt of Conviction could and would serve less of a useful purpose then the instant case. I further submit that the physical and emotional harm suffered by this defendant in the arrest, assault and imprisonment in this case is so great, that any further prosecution would be morally improper and devoid of any element of human kindness and humane purpose.

7. I have ordered and paid for a copy of the hospital records from Mother Cabrini Hospital, which they have promised to mail to me by now. To date, I have not received them, and if they are not received by the 25th of the month, I will subpoena for the return date of the motion herein.

8. I submit that the defendant's prior good record and service to the community and dedication to the entertainment of, and informing the public is such, that justice would be served by the granting of the within motion, and a dismissal of the charges herein.

Sworn to before me this
18th day of June, 1982.


ALLAN D. MANTEL
Notary Public, State of New York
No. 31-4647116
Qualified in New York County
Commission Expires March 30, 1983

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Exhibit B

Criminal Court of the City of New York

Part County of NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

VS.

1. GENE LONDON M/22
2. _____
3. _____
4. _____
DEFENDANTS

STATE OF NEW YORK

COUNTY OF NEW YORK

SS.:

P.O. of T.P.F. NEW YORK NEW YORK
Address County State

being duly sworn, deposes and says that on 4/25/82 at about 4:30 a.m.

at E/O 173 7th Avenue NEW YORK State of New York.
Address County

the defendant committed the offenses of:

- A. PL 205.30 Resisting Arrest
- B. PL 240.20 Disorderly Conduct
- C. PL 110/155.30, ATTEMPTED GRAND LARCENY-3RD DEGREE
- D. _____

under the following circumstances:

Deponent states that he observed the defendant engaged in a physical altercation with an unknown male.

Deponent further states that he was compelled to use necessary force in effecting the authorized arrest of the defendant, in that the defendant did struggle with an attempt to take possession of P.O. night stick.

2N026390

Sworn to before me on APRIL 26 1982
Judge

P.O.
Deponent

- ☐ MISDEMEANOR COMPLAINT
- ☐ MISDEMEANOR INFORMATION

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